

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 EA-06 CIAE-00 DODE-00 PM-03 H-01 INR-05

L-02 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 AID-05 /065 W  
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R 261000Z NOV 74

FM AMEMBASSY DACCA

TO SECSTATE WASHDC 5007

INFO AMEMBASSY NEW DELHI

AMEMBASSY ISLAMABAD

AMCONSUL CALCUTTA

CINCPAC

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PINT, PFOR, BG, IN, PK

SUBJ: LEGISLATURE ENDS SHORT, HUMDRUM SESSION

1. THE JATIYO SANGSAD WAS PROROGUED ON SATURDAY, NOVEMBER 23 AFTER A RELATIVELY LACKLUSTRE FIVE-DAY SESSION. THE LEGISLATURE ACCOMPLISHED CONSIDERABLE BUSINESS, BUT IN THE ABSENCE OF THE LONG-RUMORED CONSTITUTIONAL AMENDMENTS INTENDED TO RE-STRUCTURE THE GOVERNMENT, THE SESSION WAS DISTINCTLY ANTI-CLIMATIC.

2. THE LEGISLATION CONSIDERED, IN MAIN QUITE BRIEFLY, AND PASSED BY THE JATIYO SANGSAD WAS SUBSTANTIAL, GIVEN THE SESSION'S BRIEF DURATION. THIRTEEN BILLS WERE PASSED AND APPROVAL WAS GIVEN TO FOURTEEN ORDINANCES PROMULGATED SINCE THE JATIYO SANGSAD LAST MET IN JULY. GIHAN THE AWAMI LEAGUE'S VIRTUAL MONOPOLY OF THE LEGISLATURE'S MEMBERSHIP, MOST BILLS RECEIVED ONLY MINIMAL SCRUTINY AND MOVED VERY SWIFTLY TO ENACTMENT. HOWEVER, TWO BILLS DID OFFER THE OPPOSITION AN OPPORTUNITY TO REMIND THEIR FELLOW PARLIAMENTARIANS, THE GOVERNMENT AND THE PUBLIC OF THEIR EXISTENCE.

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3. THE FIRST OF THESE TWO BILLS WAS AN AMENDMENT TO THE PRINTING PRESSES AND PUBLICATIONS (DECLARATION AND REGISTRATION) ACT WHICH, AS A RESULT OF ITS SUCCESSFUL PASSAGE, EMPOWERS THE GOVERNMENT TO WITHDRAW PERMISSION TO PUBLISH TO A NEWSPAPER OR PERIODICAL PRINTING MATTER "WHICH TENDS DIRECTLY OR INDIRECTLY TO ENCOURAGE OR INCITE ANY PERSONS TO INTERFERE WITH THE ADMINISTRATION OF LAW OR WITH THE MAINTENANCE OF LAW AND ORDER OR TO COMMIT AN OFFENCE; OR IS LIKELY TO ENDANGER THE SECURITY OF BANGLADESH; OR IS LIKELY TO PREJUDICE THE MAINTENANCE OF FRIENDLY RELATIONS OF BANGLADESH WITH ANY FOREIGN COUNTRY; OR IS INDECENT, OBSCENE OR DEFAMATORY". THE OPPOSITION SOUGHT TO MAKE MUCH OF THE THREAT TO PRESS FREEDOM WHICH THEY SEE THE ACT TO POSE; IRONY FIGURED PROMINENTLY IN THE ARGUMENTS, WITH THE AWAMI LEAGUE'S PRE-LIBERATION ADVOCACY OF PRESS FREEDOM DEPICTED IN SHARP CONTRAST WITH ITS ADVOCACY OF THE AMENDING BILL.

4. THE SECOND BILL AMENDED ARTICLE 2 OF THE CONSTITUTION WHICH DEFINES THE TERRITORY OF BANGLADESH. THE PURPOSE OF THE AMENDMENT WAS TO IMPLEMENT THAT PORTION OF THE MAY 16 INDO-BANGLADESH AGREEMENT UNDER WHICH THE TWO COUNTRIES HAD AGREED TO DEMARCATHE THEIR COMMON BOUNDARY AND TRANSFER ENCLAVES LOCATED WITHIN ONE ANOTHER'S TERRITORY. THE AMENDMENT BILL'S OPPONENTS REQUESTED THAT ITS PASSAGE BE DEFERRED UNTIL A POPULAR REFERENDUM COULD BE HELD BUT TO NO AVAIL. THE OPPOSITION ALSO ASSERTED THAT THE TRANSFER OF BENGAL ENCLAVES TO INDIA SERVED TO ERODE BANGLADESH'S SOVEREIGNTY, A POSITION INTENDED TO PLAY ON THE FEARS OF THOSE WHO SEE INDIA AS BANGLADESH'S GREATEST THREAT AND THE AWAMI LEAGUE AS INDIA'S TOOL; THE GOVERNMENT COUNTERED THIS BY STRESSING THAT TERRITORIES WERE EXCHANGED AND THUS BOTH INDIA AND BANGLADESH GAVE AND RECEIVED TERRITORY EQUALLY. LAW MINISTER MANORANJAN DHAR THEN POINTED OUT THAT SUCH EXCHANGES HAD BEEN CONTEMPLATED IN THE NEHRU-NEON AGREEMENT OF 1958, AND THAT FAILURE TO SETTLE THE BORDER PROBLEMS-AND THE FARAKKA BARRAGE ISSUE-WAS THE FAULT OF SUBSEQUENT PAKISTANI GOVERNMENTS. THE LAW MINISTER ADDED THAT THE MAY 16 INDO-BANGLADESH AGREEMENT CONTRIBUTES TO PEACE AND STABILITY IN SOUTH ASIA, A CONSEQUENCE WHICH HAS EFFECT BEYOND THE SUB-CONTINENT.

5. COMMENT: THE NOVEMBER 19-23 JATIYO SANGSAD SESSION FELL FAR SHORT OF ITS ADVANCE BILLING, WITH MOST OBSERVERS APPARENTLY LIMITED OFFICIAL USE

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PERSUADED UNTIL THE LAST THREE OR FOUR DAYS BEFORE THE SESSION BEGAN THAT CONSTITUTIONAL AMENDMENTS ENABLING THE ESTABLISHMENT OF A PRESIDENTIAL SYSTEM WOULD BE INTRODUCED. AS MIGHT BE EXPECTED, WE CONTINUE TO HEAR THAT THE IDEA IS STILL ALIVE EVEN THOUGH THE REASONS WHICH WERE THOUGHT TO MILITATE IN FAVOR OF CHANGE HAVE DISSIPATED. SOME SUGGEST THAT WHEN THE JATIYO SANGSAD MEETS AGAIN IN JANUARY, THE RUMORED AMENDMENTS WILL AT LAST BE INTRODUCED.

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